

Before the Board of Zoning Adjustment, D. C.

Application No. 12094 of Samson Associates, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3104.44 to continue the use of parking lot, in the C-2-A and R-5-B Districts, at the premises 1811-1813 "T" Street, N. W., (Square 131, Lots 17 and 817).

HEARING DATE: February 18, 1976
DECISION DATE: February 24, 1976

FINDINGS OF FACT:

1. The property is located in both the C-2-A and R-5-B Districts.

2. The lot is currently being used as a parking lot approved by the Board in Cases No. 10153-54-55.

3. The affidavit of posting was filed with the Board on February 17, 1976, in violation of Section 3.33 of the Supplemental Rules of Practice and Procedure. By vote of the Board, the Board waived this requirement for this case.

4. The owner of the lot was not present, but his representative was. The Board voted to waive the requirement of Section 3.5 of the Supplemental Rules of Practice and Procedures, which requires that the owner of the real property appear before the Board.

5. There are approximately 40 parking spaces in the lot, The hours of operation are from 8 a.m. until approximately 6 p.m.

6. Parking spaces are rented on a monthly basis, with no day-by-day or hour-by-hour operation.

7. The owner intends to build townhouses on the property within a year.

8. There was opposition to the application, based on the cleanliness of the lot, the parking of cars in public space and crime problems.

9. The applicant has received no notice of violation from the District Government in regard to the maintenance of the property.

10. The Municipal Planning Office, by report dated February 13, 1976, recommended approval of the application, stating that the lot will not cause adverse impacts to the surrounding area nor retard the present character or future development of the area.

11. The Department of Transportation offered no objection to the continued use of the property as a parking lot.

12. There was support for continuing the parking lot as an interim use until new housing is constructed.

CONCLUSIONS OF LAW AND OPINION

Based on current operating conditions and the reports of two government agencies the Board concludes that the use has not and will not create dangerous and objectionable traffic conditions, will not adversely effect the present character and future development of the area and is reasonably necessary and convenient to other uses in the vicinity. The Board concludes that a limited period for continuation of the lot is acceptable because of pending future development. It is therefore ordered that the application be granted, subject to the following conditions:


1. The applicant shall continue to comply with the conditions of Order No. 10153-59-55.

2. The approval shall last for a period of one year.

VOTE: 4-0 (McCants, McIntosh, Harps and McZier to grant,
Cummings abstaining not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


STEVEN E. SHER

Acting Secretary to the Board

FINAL DATE OF THE ORDER: MAR 16 1976

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.